

1
2 IN THE UNITED STATES DISTRICT COURT
3

4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 CENTER FOR BIOLOGICAL DIVERSITY,
7

No. CV-08-2999 MMC

8 Plaintiff,

9 **JUDGMENT IN A CIVIL CASE**

10 v.
11 _____ /

12 MICHAEL CHERTOFF, et al.,
13

14 Defendants.
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16 **(J) Jury Verdict.** This action came before the Court for a trial by jury. The issues
17 have been tried and the jury has rendered its verdict.

18 **(X) Decision by Court.** This action came to trial or hearing before the Court. The
19 issues have been tried or heard and a decision has been rendered.

20 **IT IS SO ORDERED AND ADJUDGED**

21 1. To the extent plaintiff alleges violations of the ESA arising from the Coast
22 Guard's asserted implementation of or actions under the TSS off San Francisco or the
23 TSS in the approaches to Los Angeles-Long Beach, such claims are DISMISSED without
24 prejudice for lack of jurisdiction.

25 2. To the extent plaintiff alleges violations of the ESA arising from the Coast
26 Guard's asserted implementation of or actions under the TSS in the Santa Barbara
27 Channel, or from other asserted shipping traffic management actions in the Santa
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1 Barbara Channel, defendants' motion for summary judgment is hereby GRANTED,
2 and plaintiff's motion for summary judgment is hereby DENIED.
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Dated: April 1, 2009

Richard W. Wieking, Clerk



By: Tracy Lucero
Deputy Clerk

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